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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

08 JUN 16 AM 9:43

BY: EC

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
Seferino BANUELOS  
Defendant.

Magistrate's Case No.

08 MJ 1843


COMPLAINT FOR VIOLATION OF  
Title 21, U.S.C.,  
Sections 952 and 960 -  
Importation of a Controlled  
Substance

The undersigned complainant being duly sworn states:

COUNT ONE

On or about June 14, 2008 within the Southern District of California, defendant Seferino BANUELOS, did knowingly and intentionally import approximately 62.4 kilograms of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952, 960.

And the complainant states that this complaint is based on the attached Statement of Facts, which is incorporated herein by reference.

  
Adam C. Beckhelm  
Special Agent - DHS/ICE

Sworn to before me and subscribed in my presence, this 16th day of June, 2008.

  
United States Magistrate Judge

### Statement of Facts

On June 14, 2008, Seferino BANUELOS entered the United States from Mexico at the San Ysidro, California Port of Entry. BANUELOS was the driver, sole occupant and registered owner of a red 1994 Toyota 4-Runner bearing California license 4PAB645. In the pre-primary inspection area, Canine Enforcement Officer(CEO)Fernandez and Customs and Border Protection (CBP) Officer Kitaura contacted BANUELOS and received a negative declaration from BANUELOS. CBP Officer Kitaura, having noticed several nervous behaviors from BANUELOS, utilized his K910B Buster Contraband Detector on the vehicles tires. CBP Officer Kitaura received abnormal readings on the detector and requested CEO Fernandez and his K9 partner "Jerry" to screen the vehicle. "Jerry" alerted to the tire area of the vehicle that BANUELOS was driving. BANUELOS was escorted inside and his vehicle was taken to the secondary inspection area.

In secondary, the vehicle was X-rayed and CBP Officer Kifer noticed abnormalities in the tire area. Further inspection by CBP officer Kifer revealed an aftermarket compartment in each of the tires. Each compartment contained 4 packages (for a total of 16), wrapped in cellophane, aluminum foil and duct tape. A randomly selected package was probed and found to contain a green, leafy substance. A presumptive narcotic field test was performed on the green, leafy substance and resulted in a positive reaction for THC, the active ingredient in marijuana, a Schedule I Controlled Substance. The total weight of the 16 packages was approximately 62.4 kilograms.

Agent Beckhelm arrived and read BANUELOS his rights as per Miranda, in the English language. This was witnessed by Special Agent Duran. BANUELOS verbally stated he understood his rights and was willing to speak to agents. BANUELOS stated that he was visiting family in Mexico, was kidnapped by ZETA personnel, blindfolded and taken to a room, somewhere in Tijuana. Approximately 5 hours later, he was taken back to his vehicle and told to drive it across the Mexico/US border, and bring it to the AM/PM on Coronado Ave. BANUELOS stated he made no other stops in Mexico before arriving at the US-Mexico International Border. BANUELOS further stated that he did not want to tell the CBP officials at the border what had happened and that there might be something illegal in the vehicle, because he was scared. BANUELOS stated he knew something illegal was in the car, just not exactly what. BANUELOS was arrested for violation of 21USC952 and 960, Importation of a Controlled Substance.